

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOHN W. GRAHAM,

Defendant.

NO. CR11-158-MJP

SUMMARY REPORT OF
U.S. MAGISTRATE JUDGE AS
TO ALLEGED VIOLATIONS
OF SUPERVISED RELEASE

An initial hearing on a petition for violation of supervised release was held before the undersigned Magistrate Judge on March 4, 2013. The United States was represented by Assistant United States Attorney James Oesterle, and the defendant by Jennifer Wellman for Lynn Hartfield.

The defendant had been charged and convicted of Knowingly Making False, Fraudulent, and Fictitious Statements. in violation of 18 U.S.C. § 1001. On or about May 17, 2012, defendant was sentenced by the Honorable Marsha J. Pechman, to a term of time served, to be followed by 3 years of supervised release.

The conditions of supervised release included the requirements that the defendant comply with all local, state, and federal laws, and with the standard conditions. Special conditions imposed included, but were not limited to, participation in substance abuse and mental health programs, financial disclosure and search.

1 In a Petition for Warrant or Summons, dated February 21, 2013, U.S. Probation Officer
2 Sarah R. Johnson asserted the following violations by defendant of the conditions of his
3 supervised release:

4 (1) Violating the condition that he not commit any federal, state, or local crimes by
5 committing the crime of Fondling an adult on or about February 17, 2013.

6 (2) Violating the condition that he not commit any federal, state, or local crimes by
7 committing the crime of Assault on or about February 17, 2013.

8 The defendant was advised of his rights, acknowledged those rights, and denied
9 violations 1 and 2.

10 In a Supplemental Violation Report dated March 4, 2013, U.S. Probation Officer Sarah
11 R. Johnson asserted the following violation by defendant of the conditions of his supervised
12 release:

13 (3) Violating the condition requiring that he abstain from the use of alcohol during
14 his term of supervision on or about February 17, 2013.

15 On March 11, 2013, an evidentiary hearing on alleged violations 1 and 2 and an initial
16 hearing on supplemental violation 3 was held before the undersigned Magistrate Judge. The
17 United States was represented by James Osterle and defendant by Lynn Hartfield. Defendant
18 admitted violation 3 and alleged violations 1 and 2 were dismissed without prejudice by the
19 government.

20 I therefore recommend that the Court find the defendant to have violated the terms and
21 conditions of his supervised release as to violation 3, and that the Court conduct a hearing
22 limited to disposition. A disposition hearing on violation 3 has been set before the Honorable
23 John C. Coughenour on March 25, 2013 at 4:00 p.m.


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1 Pending a final determination by the Court, the defendant has been detained.

2 DATED this 12th day of March, 2013.

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4 JAMES P. DONOHUE
5 United States Magistrate Judge
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8 cc: District Judge: Honorable Marsha J. Pechman
9 AUSA: Jim Oesterle
10 Defendant's attorney: Lynn Hartfield
11 Probation officer: Sarah R. Johnson
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